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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/034,237

12/27/2001

Jyrki Hoisko

NOKI14-00018

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10/31/2006

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EXAMINER

AMINI, JAVID A

ART UNIT

PAPER NUMBER

2628

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/034,237	HOISKO, JYRKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Javid A. Amini	2628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/9/2006 has been entered.

***Allowable Subject Matter***

Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: The north of the user equipment are indicated by associating the display of the version of the image with the top portion of the display means, locations to the south of the user equipment are indicated by associating the display of the version of the image with the lower portion of the display means, locations to the west of the user equipment are indicated by associating the display of the version of the image with the left portion of the display means, and locations to the east of the user equipment are indicated by associating the display of the version of the image with the right portion of the display means.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 23 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites the visual effect visualizes an audio effect... Examiner's question: How can the audio effect be visualized?

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16, 18-35, 38, and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 11088672 Takemura Kazuhiko, hereinafter Takemura, and further in view of Frederick M. Weinhaus, Venkat Devarajan, hereinafter Frederick, Texture mapping 3D models of real-world scenes December 1997, ACM Computing Surveys (CSUR), Volume 29 Issue 4.

1. As per claim 1, Takemura teaches the image data is received from image pick-up means 101 to display checks means through a data communication system in Drawing 6. Hence,

Takemura shows that receiving image data associated with the image at a user equipment from a data communication system recited in claim 1. In Drawing 6, Takemura teaches the image data is received and generated to present on the display check means 102 and setting means 103 would provide the additional information to the display check means. The image data is received from image pick-up means 101, and the image data showing on the display check means 102 could perform the visual effect as claimed because those images presents the moving visual effect before the camera user to hit the finish button and process to the laboratory system 2 (see effect of the invention, paragraph [0051] and paragraph [0056], Takemura). Therefore, Takemura also shows generating a visual effect to be presented in association with a version of the image, said visual effect being generated based on additional information associated with the image recited in claim 1. The addition information is generated from setting means 103 as Takemura's teaching. Since display check means 102 displays the image data before the camera user to capture an image and displays the content of setting as shown in Drawing 5, display check means 102 displays a version of said image with visual effect by display means of the user equipment as claimed because the display check means need to see the moving image corresponding with the different visual effect, which comes from the content of setting as shown in Drawing 5 or other functions, before the image being captured (See effect of the invention, paragraphs [0045]-[0050], Takemura).

Takemura is silenced for displaying after said receiving and generating, the image without said visual effect on the display. The second prior art Frederick in fig. 8 illustrates displaying after said receiving and generating, the image without said visual effect on the display, and the visual effect is the 3-D model that overlaid the source image.

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the feature of flexibility of the visual effect associated with the source image in fig. 8 of Fredrick into Takemura's invention as teaches in paragraphs [0016-0017], then the user would be able to see the image without said visual effect on the display.

2. As per claim 2, Takemura is silenced for displaying the image without said visual effect. Frederick in fig. 8 illustrates displaying after said receiving and generating, the image without said visual effect on the display. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the feature of flexibility of the visual effect associated with the source image in fig. 8 of Fredrick into Takemura's invention as teaches in paragraphs [0016-0017], then the user would be able to see the image without said visual effect on the display.

3. As per claim 3, Takemura shows the visible moving image data on the check display means before sending to the laboratory system 2 through the data taking-in mean 301 (see effect of the invention, paragraph [0051]~paragraph [0054], Takemura.). Therefore, Takemura also presents the image data effect as visual effects as claimed before all image data that associated with the image has been received in the data taking-in mean 301 from the data communication system (see Drawing 6, Takemura).

4. As per claim 5, Takemura shows the visible image on the display check means 102 of the digital camera and the content of the setting from setting means 103 in Drawing 5 before the desired final image has been taken (see effect of the invention, paragraph [0050], Takemura.) Therefore, Takemura also teaches visual effect visualizes information that is associated with the context or content of the image recited in the claim 5.

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5. Claims 4 and 6, Takemura is silenced for a predefined period of time for the visual effect, However, Frederick on page 328 left column teaches a set of source photographs and create new views of the real-world areas from arbitrary vantage (eye) points and, if possible, to do so in real-time (i.e., 30 or 60 frames per second). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the feature of flexibility of the visual effect associated with the 30 or 60 frames per second of Fredricks' feature into Takemura's invention as teaches in paragraph [0018], then the user would be able to playback the images at the time of playback.

6. As per claim 7, Takemura shows the menu of the digital camera may include setting sun finish and snow finish (see effect of the invention, paragraph [0050], Takemura.) Therefore, Takemura also shows the visualizing age of the image.

7. Claims 8-11, Takemura is silenced for visualizing the visual effect as a location, However, Frederick in fig. 8 illustrates displaying after said receiving and generating, and the visual effect visualizes a location on the display. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the feature of flexibility of the visual effect associated with the source image in fig. 8 of Fredrick into Takemura's invention as teaches in paragraphs [0016-0017], then the user would be able to visualize relative location between the source of the image and the user equipment.

8. Claims 12-13, Takemura is silenced for providing first position data associated with the geographical location of the user equipment, and providing second position data associated with the geographical position of the source of the image, However, Frederick in fig. 8 illustrates displaying first position data associated with the geographical location of the user equipment,

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and providing second position data associated with the geographical position of the source of the image, see figs. 8 b and d the source image positions are taken from two different angles. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the feature of ray tracing methodology in fig. 4 of Fredrick into Takemura's invention in order the user would be able to visualize relative location between the source of the image and the user equipment.

9. As per claim 14, Takemura is silenced to accomplish the processing by a processor of the user equipment. However, Frederick on page 337 left column teaches the basis for characterizing the acquisition geometry. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the feature of characterizing the acquisition geometry of Fredrick into Takemura's invention in order the user would be able to accomplish the processing by a processor of the equipment.

10. Claims 15-16, Takemura is silenced to visualize by displaying a version of the image on a position on the display that depends on the location of where the image was captured. However, Frederick on page 339 left column teaches the transformed images in perspective, panoramic, and orthographic formats, they also presented a pair of transformed images that could be viewed stereoscopically in 3D, and see fig. 7. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the feature of viewing stereoscopically on images of Fredrick into Takemura's invention in order the user would be able to locate where the image was captured.

11. As per claim 18, Takemura is silenced to visualize the size of the image. However, Frederick in fig. 7 illustrates the size of the image visualizes the distance between the location



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and the user. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the feature of viewing the distance between the location and the user of Fredrick into Takemura's invention in order the user would be able to locate the size of the image visualizes the distance between the location and the user.

12. As per claim 19, Takemura is silenced to visualize the speed in which the size of the image changes. However, Frederick on page 356 teaches by panning and zooming the background image visualizes the distance between the location and the user. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the feature of viewing the distance between the location and the user of Fredrick into Takemura's invention in order the user would be able to visualize the speed in which the size of the image change visualizes the distance between the location and the user.

13. As per claim 20, the step of the claim is obvious; see Frederick on page 355 at left column first paragraph.

14. Claims 21-22, see rejection of claim 1 applies to the rejections of claims 21-22.

15. Claims 23-25, it's obvious to use the visual effect as an audio.

16. Claims 26-27, Takemura teaches setting means 103 in Drawing 6, which provides additional information that associates with the image during generation of the image data (see effect of the invention, paragraph [0052], Takemura.) In Drawing 6, Takemura shows the step, setting means 103 and information attachment means 104, associates additional information with the image data prior transmission of the image data.

17. As per claim 28, Takemura is silenced to accomplish the processing by a processor of the user equipment. However, Frederick on page 337 left column teaches the basis for characterizing

the acquisition geometry. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the feature of characterizing the acquisition geometry of Fredrick into Takemura's invention in order the user would be able to accomplish the processing by a processor of the equipment.

18. As per claims 29-32, Takemura teaches for inputting a desired color balance by setting the values of R, G, and B to represent different color of image (see effect of the invention, paragraph [0047], Takemura), and he also teaches the predefined color for the presentation of the images (see effect of the invention, paragraph [0049], Takemura.) Since Takemura teaches setting R, G, and B color values, altering could also modify the color of the image those color items as Takemura taught (see effect of the invention, paragraph [0047]~paragraph [0050], Takemura).

19. Claims 33-35, Takemura teaches the finish information may be attached to the image data by defining a file format including both the image data and the finish information and forming data according to the format. He also teaches the finish information may be stored as a file separately from the image data and the file for the finish information and the file for the image data may be associated with each other by using of file names (see effect of the invention, paragraph [0053], Takemura.) Therefore, Takemura teaches all limitations recited in claims 33-35.

20. As per claim 38, Takemura teaches an image may be expanded and displayed on the monitor of the digital camera (see effect of the invention, paragraph [0070], Takemura.) Therefore, Takemura's device also shows the presentation of the visual effect comprises provision of at least one differently sized version of the image recited in the claim 38.

21. Claim 45, Takemura teaches a data communication media for transporting data between two user equipments as shown in Fig. 6. A first user equipment as the digital camera (1, Fig 6, Takemura), and image taking means (101, Drawing 6, Takemura) taking image and finish setting means (103, Drawing 6, Takemura) generating the image data and adapted to additional information with the image data. Second user equipment is as a laboratory system (2, Drawing 6, Takemura.) second user equipment includes a data taking means (301, Drawing 6, Takemura) for receiving the image data. Takemura teaches the image processing means (see 302, Drawing 6, Takemura.), which processes the image processing of the image data received from data taking-in means 301. Takemura teaches the image data could be reproduced on a CRT of the laboratory system (see effect of the invention paragraph [0056], Takemura.) Takemura further teaches setting of the finish information or position information and confirmation of the image are performed on the monitor; hence, he also teaches to present the alter version and the limitation of the alter version as claimed. The other limitation would be similar in the claim 1; thus, the same rationale and basis as applied to claim 1 are applied.

22. As per claim 46, Takemura teaches a method for imparting information associated with the context of an image from a first party to a second party (the process 1 would be considered as the first party because the image taking need to have one of party to control the information, and the process 2 would be considered as the second party because computer 302 need to have another party to perform the control function. See Drawing 6 and paragraph [0056], effect of the invention.), the other limitation would be similar in the claim 1; thus, the same rationale and basis as applied to claim 1 are applied.

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23. Claims 47-48, Takemura teaches the finish information may be attached to the image data by defining a file format including both the image data and the finish information and forming data according to the format. He also teaches the finish information may be stored as a file separately from the image data and the file for the finish information and the file for the image data may be associated with each other by using of file names (see effect of the invention, paragraph [0053], Takemura.) Therefore, Takemura teaches all limitations recited in claims 47 and 48.

Claims 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemura and Frederick, and further in view of Ken Hinckley, Jeff Pierce, Mike Sinclair, Eric Horvitz , hereinafter, Hinckley, Sensing techniques for mobile interaction November 2000 , proceedings of the 13th annual ACM symposium on User interface software and technology.

24. As per claim 39-40, Takemura teaches a method as claimed in claim 1. Takemura also teaches transferring of the image data to image server through a network (see Drawing 6, effect of the invention, paragraph [0051]~paragraph [0056], and paragraph [0063], Takemura.) Takemura teaches the digital camera may be a mobile digital information terminal provided with the function of camera (see effect of the invention, paragraph [0077], Takemura.); hence, a mobile digital information terminal is the same as a mobile station as claimed in claim 40. It's obvious for a person skill in the art to realize the mobile digital information terminal transmits over a wireless interface between the user equipment and the data network recited in claim 39. It

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would have been obvious to one having ordinary skill in the art at the time the invention was made to show the mobile digital information terminal transmits over a wireless interface between the user equipment and the data network of Hinckley into Frederick and Takemura's device because this would be able the user to transmit the information remotely or wirelessly.

25. As per claim 41, Takemura teaches receiving image data, generating a visual effect, displaying visual effect, and displaying the image as the same rationale for claim rejection as applied to claim 1 above in the office action. He does not specifically teach the image data and additional information being transmitted over a wireless interface between the mobile station and the data communication system. Since Takemura teaches the mobile communication system and Hinckley teaches the wireless interface see fig. 1 as depicted for claim rejection as applied to claims 39-40 above in the office action; thus, the same basis and rationale for claim rejection as applied to claims 1 and 39-40 are applied to the remainder of claim 41. In addition, the local area network would be able to implement the wireless system on Takemura's mobile communication system.

Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemura and Frederick,, and further in view of Bunte et al. US-5,821,523, hereinafter Bunte.

26. Claims 36-37, Takemura teaches a method as claimed in claim 1. Takemura and Frederick do not specifically teach provision a distorted version of the image, such as a shaking or vibrating version of the image. Nevertheless, Bunte et al. teaches that conventional digital cameras would capture photo images at the initiation of a user and user identify defects image,

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such as shaking caused defecting image (see col 2, lines 7-20, Bunte et al.) Since Bunte et al. teaches viewing of defects image (shaking or vibrating version of image) was taken from digital camera and Takemura teaches the digital camera device, it would have been obvious to one having ordinary skill in the art at the time the invention was made to show the provision of a distorted (shaking or vibrating) version of the image on Frederick and Takemura's device because this would inform the user whether the image is defected.

Claims 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemura and Frederick,, and further in view of Windle, John Richard, US-6,606,117, hereinafter Windle.

27. Claims 42-44, Takemura teaches the method for the user equipment as the same rationale as claim 1. Takemura teaches all of the functions and method for receiver and display means recited in the claims 42-44 could perform as taught in the claims 1-3 of this office action. Takemura teaches to use image pick-up means 101 to receive image data via data communication system; display check means 102 to display the image based on the received image data. Takemura teaches the display check means is finished by displaying the image of a processed image by which an image processing was carried out (see means, paragraph [0015], Takemura.) Hence, he also teaches the user equipment is arranged to display a version of the image comprising said visual effect recited in claim 42. However, Takemura does not explicitly teach using a processor means to perform the limitation recited in the claim 42. Nevertheless, Takemura teaches generating a visual effect based on additional information associated with the image and for controlling display of the visual effect as taught in claim 1 of the office action, and

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Windle teaches a processing unit (see 104, Fig. 1, Windle.) to control the additional information associated with the image for controlling display (see col 4, lines 15-24, Windle.) Since, Windle teaches processing unit (see 104, Fig. 1, Windle.) to perform all Of content information associated with the image on the display means, Takemura teaches the same device as Windle, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a processor means (see 104, Fig. 1, Windle.) for generating visual effect based on additional information because Fredricks' and Takemura's systems have to have some kind of processor in order to process the content information created in setting means (see 103, Drawing 6, Takemura.) to display on check display means (see 102, Drawing 6, Takemura.)

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Javid A Amini  
Examiner  
Art Unit 2628

J.A.

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